

REMARKS-GENERAL

1. The Applicant expresses his appreciation to the Examiner for the diligence shown in the examination of this application and for the telephone interviews of 3/15/2004 and 3/17/2004.
2. Reconsideration of the application as amended is respectfully requested.
3. Independent claims 1 and 27 have been amended in order to define the invention more particularly over the cited references, and to place the claim in condition for allowance as discussed in the telephone interviews of 3/15 and 3/17. Dependent claims 3-5 and 28 have been amended to make the claim language consistent with the amended base claims. Dependent claim 9 was amended to correct the dependency of a previously cancelled claim. These claims are all submitted to be patentable over the cited references because they (1) recite novel structure and thus distinguish physically over every reference (Section 102) and (2) the physical distinctions effect new and unexpected results, thereby indicating that the physical distinctions are unobvious under Section 103. Current claims of record are claims 1, 3-6, 9, 27 and 28.
4. The Applicant submits that no new matter was introduced as a result of this amendment.
5. Claim 27 was rejected under 35 U.S.C. section 102(b) as being anticipated by Wells et al. (UK Patent No. 2241195). Wells et al. discloses the manufacture of articles from flat sheets of heat-treatable plastics. The method involves cutting developed shapes from flat material and selectively welding along lines of the flat sheets to form the shape.
6. Claims 1, 3-6 and 28 were rejected under 35 U.S.C. section 103(a) as being unpatentable over Wells et al. in view of Gandolfo. Gandolfo teaches a wire marker having a central portion which is flattened and printed with graphics.

The Independent Claims Recite Novel Physical Features And Structure And Hence Make The Claims Patentable Under Section 102(b).

7. The Applicant submits that independent claim 27, as amended, recite novel physical features and structure and hence make the claim patentable under section 102(b).

8. Specifically in claim 1, the disclosure of making the shaped portion by welding said sleeve with a die seal along a curved portion of a side edge of said sleeve when said sleeve is in a lay-flat condition is novel over the teachings of the cited and relied upon Wells et al. reference.

The Novel Physical Features Of The Claims Provide New and Unexpected Results And Hence Should be Considered Unobvious, Making the Claims Patentable Under Section 103.

9. The Applicant submits that independent claim 1, as amended, provides new and unexpected results and hence should be considered unobvious, making the claims patentable under section 103.

10. Specifically in regards to independent claim 27 a sleeve having an open bottom defining a vertical bottom axis and an open top defining a vertical top axis, the top axis offset transversely from the bottom axis defining a curved shape portion when the sleeve is in a lay-flat condition, and printed graphics on said curved shape portion of the sleeve, said curved shape portion having a non-uniform lay-flat width when the sleeve is in the lay-flat condition provides a sleeve which, until now, has failed to meet the market demand for high quality graphics necessary for broad market appeal. For example, attempts to print fine graphics on the neck of a conventional tubular sleeve on an asymmetric bottle resulted in severe distortion and poor market acceptance. Printing graphics on contoured sleeves answers a long-felt need in modern marketing by allowing,

for the first time, high-quality graphics such as very fine text, shapes or other markings on severely necked-down portions such as the necks of pour-spout bottles.

11. Independent claims 1 and 27 have been amended as discussed and agreed in the Examiner interviews of March 15 and March 17 to better define graphics on the curved portion of the sleeve and forming the sleeve by a die seal on a portion of the side of a sleeve when in a lay-flat condition.

The Dependent Claims Are A-fortiori Patentable

12. The dependent claims add additional novel features and thus are submitted to be, a-fortiori, patentable. For example, the use of polyvinyl chloride, polyethylene, polypropylene, polyesters and polystyrene for the sleeve material in a shaped sleeve for asymmetrical bottles adds further novelty to the invention.

Allowance Requested

13. For the above reasons, the Applicant submits that the Shrink Sleeve for Contoured Articles disclosed and claimed in the present application is not taught by any of the references of record, taken either alone, or in combination. Therefore, allowance of the present application is in order and respectfully requested per our telephone interviews.

Request For Constructive Assistance

The undersigned has made a diligent effort to amend the claims of this application so that they define novel structure and render the claimed structure unobvious because it produces new and unexpected results. If for any reason the claims of this application are not believed to be in full condition for allowance, applicant respectfully requests the

constructive assistance and suggestions of the Examiner pursuant to MEP 707.07(j) and MEP 706.03 (d) in order that this application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Very Respectfully,



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